

**No. 24-60452**

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UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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PHI THETA KAPPA HONOR SOCIETY,

Plaintiff – Appellee

LYNN TINCHER-LADNER,

Defendant/Third-Party Defendant – Appellee

v.

HONORSOCIETY.ORG, INCORPORATED; HONOR SOCIETY  
FOUNDATION, INCORPORATED,

Defendants – Appellants

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On Appeal from the United States District Court for the Southern District of  
Mississippi;  
USDC No. 3:22-cv-208-CWR-RPM

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**APPELLEES' MOTION TO SUPPLEMENT THE RECORD ON APPEAL**

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*Counsel for Appellees*

Appellees Phi Theta Kappa Honor Society and Lynn Tincher-Ladner (“Appellees”), by and through counsel, and pursuant to [Fed. R. App. P. 10\(e\)\(3\)](#) and 27, timely file this Motion to Supplement Record on Appeal, and in support thereof would show unto the Court the following:

1. On August 27, 2024, Appellants HonorSociety.org, Incorporated, and Honor Society Foundation, Incorporated, (“Appellants”) filed their Notice of Appeal in the United States District Court for the Southern District of Mississippi, Civil No. 3:22-cv-208. [ROA.8345-47](#). In the order from which Appellants appeal, the district court granted in part Appellees’ motion for temporary restraining order, preliminary injunction, and/or gag order, finding that a preliminary injunction was warranted. [ROA.8174-76](#).

2. On August 27, 2024, the record on appeal was requested to be submitted by September 11, 2024. The record on appeal was submitted on September 12, 2024. The record includes many documents filed after the appealed order, which is Docket Entry #230.

3. Because the record on appeal had been prepared on September 12, 2024, subsequent orders, proceedings, and other docket entries that took place in the district court between that date and the date of this motion have been excluded from the record on appeal. The last docket entry item from the district court included in

the record on appeal is Docket Entry #260, which was Appellants' response to Appellees' motion for contempt and sanctions. ROA.9075-90.

4. Not included in the record on appeal are the following docket items from the district court proceedings in this matter: Dkt. #261 through Dkt. #325.

5. Pursuant to Fed. R. App. P. 10(e)(3) and this Court's inherent authority, the Court may order supplementation of the record upon motion where such supplementation is timely requested and seeks to add to the record nothing more than "[w]hat in fact went on below." *United States v. Page*, 661 F.2d 1080, 1082 (5th Cir. 1981).

6. The documents sought to be included in the record on appeal by this motion consist of proceedings, orders, and judgments, which all took place in the district court below and which may be relevant and material to the issues on appeal. So that this Court may be fully apprised in its consideration of the appeal issues, Appellees request that the record on appeal be supplemented to include all filings since September 12, 2024, which includes Dkt. #261 through Dkt #325.

7. Pursuant to 5th Cir. R. 27.4, counsel for Appellees contacted Appellants' counsel regarding any opposition to this motion on Friday, December 6, 2024, and Appellants' counsel has neither agreed nor opposed this motion.

WHEREFORE, PREMISES CONSIDERED, Appellants Phi Theta Kappa Honor Society and Lynn Tincher-Ladner respectfully request that the Court enter an

order supplementing the record with all district court filings since September 12, 2024, including Docket Entries #261-325 in the district court proceedings below, to be included in the Record on Appeal.

Respectfully submitted this the 9th day of December, 2024.

Respectfully submitted,

PHI THETA KAPPA HONOR SOCIETY,  
LYNN TINCHER-LADNER

By: s/ Jack F. Hall  
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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 27(a)(2)(B), this document contains 460 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and 5th Cir. R. 32.1 and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word, Version 2013, in 14-point Times New Roman font.

This, the 9th day of December, 2024.

s/ Jack F. Hall  
Attorney for Appellees

## **CERTIFICATE OF SERVICE**

The undersigned counsel of record certifies that a true and correct copy of the above and foregoing document has been served this day via ECF upon all counsel of record.

This the 9th day of December, 2024.

s/Jack F. Hall

Jack F. Hall,  
Attorney for Appellees